HONOURABLE SMT.JUSTICE T.MEENA KUMARI

&

HONOURABLE JUSTICE P.LAKSHMANA REDDY

WRIT PETITION NO. 20708 OF 2005

Dated 26-09-2005

Between:

S. Ranga Reddy, son of S. Krishna Reddy, aged about 57 years, Occupation: Employee, resident of 9-6-84, Dulrga Bhavani Nagar, Opp. Santosh Nagar, Hyderabad.

…….Petitioner.

And:

1. The Commissioner, Department of Ayush, Hyderabad and others.

…….Respondents.

ORDER : (Per the Honourable Smt. Justice T. Meena Kumari)

This writ petition has been filed by the writ petitioner seeking a direction to declare the order passed in O.A. No.3063 of 2005, dated 15-09-2005 by the A.,P. Administrative Tribunal, Hyderabad as illegal and arbitrary and consequently, to direct the respondents to continue the petitioner in the post of Drug Inspector till the attainment of supernnuation.

The writ petitioner is the applicant before the tribunal. Originally, he filed an application under Section 19 of the administrative Tribunals Act, 1985 in O.A.No.3063 of 2005 seeking to call for the consequential proceedings No.11139/AGC.1&2/2005-54 dated 28-06-2005 and the proceedings No.11139/AGC.1&2/2005-61, dated 28-06-2005 and set aside the same as illegal, arbitrary and contrary to G.O.Ms.No.144, dated 07-06-2005 and consequently,

seeking a direction to the respondents to continue him in the post of Drug Inspector, till the age of the superannuation. The Tribunal having observed that the impugned order of transfer, in any case, has been passed by the competent authority and no mala fides have been established and the transfer ordered by the competent authority in public interest should not be interfered with unless there is violation of statutory rules or mala fides, dismissed the O.A. Aggrieved by the same, the applicant filed the writ petition.

Heard both sides. We have perused the order impugned and the material available on record.

The case of the applicant is that he was posted as Drug Inspector (Ayur) in July, 2002 in the office of the 1st respondent and even before completing three years of stay in that place, he has been transferred under the impugned proceedings in June, 2005. It is his further case that he is due to retire on 31-3-2006 and as per the Government's own instructions issued in G.O.Ms.No.144, dated 7-6-2005, the persons who are retiring on or before 01-01-2006 shall not be transferred. Therefore, the order issued by the respondents is contrary to the above order issued by the Government and as such, the same is liable to be set aside.

Heard the learned counsel.

Perused the material available on record and the order impugned.

The main thrust of the argument of the learned counsel for the applicant is that the applicant is due to retire on 31.3.2006 and as per the G.O.Ms.No:144, dated 7.6.2005, an employee shall not be transferred within one year before the retirement and therefore, the present transfer orders are in violation of the above Government order.

Admittedly, the applicant is working at Secunderabad whereas the transfer in question is only to Hyderabad. The guidelines issued under G.O.Ms.144, are only to safeguard the interests of an employee that he should not be disturbed by way of transfer within one year before his retirement. But, coming to the facts of the case on hand, the transfer in question is only within the twin cities and it does not amount to disturbing the applicant by way of transfer to a far of place. In such a view of the matter, We feel that no such hardship would be caused to the applicant and the same does not amount to violation of the G.O. in question as rightly observed by the

tribunal.

Apart from that, no malafides or arbitrariness have been attributed with regard to the transfer in question. In such a situation, it is well settled that the Courts will not interfere in the administrative matters of this nature.

In this background of the matter, We feel that the tribunal is justified in rejecting the claim of the applicant and hence, we see no merits in this writ petition and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed, at the admission stage. No costs.

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Justice T. MEENA KUMARI

Date: 26th September, 2005

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Justice P. LAKSHMANA REDDY

Dvs/gurc

HONOURABLE SMT. JUSTICE T.MEENA KUMARI

&

HONOURABLE JUSTICE P. LAKSHMANA REDDY

WRIT PETITION NO. 20708 OF 2005

(Order delivered by the Honourable

Smt. Justice T.Meena Kumari)

Dated 26-09-2005